

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 03-2018-0064
Case Name: SMITHFIELD FRESH MEATS CORPORATION
 (f/k/a Smithfield Farmland Corporation)
Case Category: Administrative - Formal
Case Status (as of 04/20/2018): Closed
Case Lead: EPA
Court Docket Number: CAA-03-2018-0064
DOJ Docket Number: --

Relief Sought: Penalty
Enforcement Outcome: Final Order With Penalty
Headquarters Division: --
Branch: --
Result of Voluntary Disclosure? No
Multi-media Case? --
Enforcement Type: CAA 113D1 Action For Penalty
Violations: Risk Management Plan - CAA

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$58,549
Total State/Local Penalty Assessed: \$0
Total SEP Cost: \$0
Total Compliance Action Cost: \$1,573,446
Total Cost Recovery: \$0

Case Summary

On April 18, 2018, EPA filed a Consent Agreement and Final Order, which initiated and settled EPA's penalty claim for violations of Section 112(r)(7) of the CAA against Smithfield Fresh Meats Corporation, formerly known as Smithfield Farmland Corporation, (Respondent) which EPA inspectors observed during an inspection of Respondent's facility in Smithfield, Virginia (the Facility), where Respondent utilizes 250,000 pounds of anhydrous ammonia, a regulated substance, exceeding the 10,000-pound threshold quantity under 40 C.F.R. SECTION 68.130. The Consent Agreement asserts that Respondent violated Section 112(r)(7) of the CAA, and its implementing regulations 40 C.F.R. ? 68.65(d)(2), which requires facilities at which a regulated substance is present in more than a threshold quantity to document that equipment complies with generally accepted good engineering practices. The Consent Agreement additionally alleges EPA violated 40 C.F.R. ? 68.69(c) by failing to annually certify that its operating procedures for the ammonia refrigeration process were current and accurate. The RMP regulations are designed to protect human health and the environment by ensuring the safe management of such hazardous substances and help prevent the occurrences and ramification of chemical accidents. Respondent has agreed to pay a penalty of \$58,549. During the inspection of the Facility, EPA was accompanied by three inspectors from the Virginia Department of Environmental Quality (V ADEQ). EPA informed V ADEQ of this enforcement action by letter on February 8, 2017, and received no objection.

Laws and Sections

Law	Sections	Programs
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Citations

Title	Part	Section
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Law	Sections	Programs
CAA	112[R] [1], 112R	Prevention of Accidental Release/General Duty Clause, General Duty/Accidental Release

Title	Part	Section
No data records returned		

Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110000342102	SMITHFIELD-SMITHFIELD FACILITY (NORTH)	601 NORTH CHURCH STREET	SMITHFIELD	VA	23430-1221	2011 2013	311612
110000342102	SMITHFIELD FRESH MEATS CORPORATION (F/K/A SMITHFIELD FARMLAND CORPORATION)	601 NORTH CHURCH STREET	SMITHFIELD	VA	23430	2011 2013	311612

Defendants

Defendants and Settlements	In Complaint	In Settlement
SMITHFIELD FRESH MEATS CORPORATION (f/k/a Smithfie	Y	Y

Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Case Milestones

Event	Actual Date
Enforcement Action Data Entered	04/04/2018
Final Order Issued	04/18/2018
Complaint Filed/Proposed Order	04/18/2018
Enforcement Action Closed	04/20/2018

Pollutants

Pollutant Name	Chemical Abstract Number
Ammonia	7664417

Related Activities

Description	Actual Date
Case File	--

Final Order 1

Final Order Type: Administrative Penalty Order With or Without Injunctive Relief

Final Order Name: SMITHFIELD FRESH MEATS CORPORATION (f/k/a Smithfield Farmland Corporation)

Linked Facilities (FRS ID): 110000342102

Final Order Lodged Date: --

Final Order Entered Date: 04/18/2018

Enforcement Action Closed Date: 04/20/2018

Actual Termination Date: --

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$58,549

State/Local Penalty Assessed: --

SEP Value: --

Compliance Action Cost: \$1,573,446
Federal Cost Recovery Awarded: \$0

Complying Actions

Complying Action ID	Category	Description
3600029994	Prevention of Future Releases	Risk Management Plan Implemented
3600029995	Work Practices	Work Practices

Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
No data records returned			

Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
CA ID 3600029994	Ammonia	250,000	lbs	Air